

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONNA MASTALSKI, *et al.*,

Plaintiffs,

Case No. 12-cv-14407  
Honorable Gershwin A. Drain

v.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

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ORDER GRANTING DEFENDANTS' MOTION TO DISMISS [#5]

Plaintiffs, Donna Mastalski and Philip Mastalski, filed this suit against defendants, Federal National Mortgage Association and Bank of America, N.A. (defendants), to challenge the foreclosure of a mortgage that encumbered property located at 4812 Ormond Road, Springfield Township, Michigan. Presently before the Court is Defendants' Motion to Dismiss, filed on November 30, 2012. Plaintiffs failed to file a response to Defendants' pending motion, and the time for filing a response has expired. See E.D. Mich. L.R. 7.1(e)(1)(B).

Upon review of Defendants' Motion to Dismiss and brief in support, as well as Plaintiffs' Complaint, the Court finds that Plaintiffs have failed to state a claim and dismissal of this action is appropriate under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Accordingly, Defendants' Motion to Dismiss [#5] is GRANTED.

SO ORDERED.

Dated: February 19, 2013

/s/Gershwin A Drain  
GERSHWIN A. DRAIN  
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
February 19, 2013, by electronic and/or ordinary mail.

/s/ Tanya Bankston  
Deputy Clerk